

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hannah Sampson	Team: Squad #9	CCRB Case #: 201800830	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/23/2018 4:51 PM	Location of Incident: Tilden Avenue and Flatbush Ave, 70th Precinct Stationhouse	Precinct: 70	18 Mo. SOL 7/23/2019	EO SOL 7/23/2019	
Date/Time CV Reported Tue, 01/23/2018 5:56 PM	CV Reported At: Other City agency	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/30/2018 11:06 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Gennaro Elvezio	718	954770	070 PCT
2. SGT John Filippi	02858	948966	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Douglas Godio	03269	954872	070 PCT
2. POM Shane Ellers	11415	960495	070 PCT
3. POM Michael Mazzella	19424	943539	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Gennaro Elvezio	Abuse: In the vicinity of Tilden Avenue and Flatbush Avenue in Brooklyn, Police Officer Gennaro Elvezio refused to provide his shield number to § 87(2)(b)	
B.SGT John Filippi	Abuse: At the 70th Precinct Stationhouse in Brooklyn, Sergeant John Filippi did not process § 87(2)(b)s complaint regarding officers.	

Case Summary

On January 23, 2018, § 87(2)(b) filed this complaint with 311, generating reference number 1-1-1517182879. On January 24, 2018, the complaint was forwarded to IAB, generating original log number 18-3145. On January 30, 2018, the complaint was received at the CCRB.

On January 23, 2018, at approximately 4:51 p.m., PO Gennaro Elvezio and PO Douglas Godio, both of the 70th Precinct, stopped § 87(2)(b)'s vehicle in the vicinity of Tilden Avenue and Flatbush Avenue in Brooklyn. PO Elvezio issued § 87(2)(b) a parking summons. § 87(2)(b) then allegedly requested PO Elvezio's badge number but PO Elvezio did not provide it (**Allegation A: Abuse of Authority**, § 87(2)(g) § 87(2)(b) followed the officers' vehicle to the intersection of Clarendon Road and Flatbush Avenue, where PO Godio issued § 87(2)(b) two additional summonses: one for not wearing a seatbelt and another for § 87(2)(b). At approximately 8:50 p.m., § 87(2)(b) went to the 70th Precinct Stationhouse to file a complaint against the officers. Sgt. John Filippi of the 70th Precinct allegedly failed to process § 87(2)(b)'s complaint against the officers (**Allegation B: Abuse of Authority**, § 87(2)(g) § 87(2)(b).

§ 87(2)(b) provided two videos from this incident [linked to BRs 01 and 02, summarized in BRs 03 and 04]. The first video captures the officers as they drive away from the first stop at Tilden Avenue and Flatbush Avenue. § 87(2)(b) comments that [PO Elvezio] did not want to provide him with his badge number. The footage does not capture § 87(2)(b) requesting PO Elvezio's badge number. The second video captures the subsequent stop at Clarendon Road and Flatbush Avenue. The footage shows § 87(2)(b) requesting PO Elvezio's name and badge number, which PO Elvezio provides.

Findings and Recommendations

Allegation A – Abuse of Authority: In the vicinity of Tilden Avenue and Flatbush Avenue in Brooklyn, Police Officer Gennaro Elvezio refused to provide his shield number to § 87(2)(b)

It is undisputed that PO Elvezio provided his name and badge number to § 87(2)(b) during their second encounter at the intersection of Clarendon Road and Flatbush Avenue. § 87(2)(g)

§ 87(2)(b) was interviewed at the CCRB on February 7, 2018 [BR 05]. He stated that as PO Elvezio handed him his parking summons, he told PO Elvezio that he did not park in the bus stop and asked why he was receiving the summons. PO Elvezio did not respond. As PO Elvezio turned to walk away from § 87(2)(b)'s vehicle, § 87(2)(b) said, "Can I have your badge number?" § 87(2)(b)'s window was open and he believed that he stated the request loud enough for PO Elvezio to hear. § 87(2)(b) did not hear PO Elvezio respond to his request. PO Elvezio continued walking towards his vehicle. As PO Elvezio entered his vehicle, § 87(2)(b) exited his vehicle and said, "Can I have your badge number?" at least three additional times and waved for the officers to stop as they drove away. PO Elvezio's window was open but he did not say anything to § 87(2)(b).

§ 87(2)(b) had two female passengers in his vehicle during this incident. However, he knew them only by their first name aliases and did not know any contact information for them. § 87(2)(g)

PO Elvezio was interviewed at the CCRB on April 11, 2018 [BR 06]. He stated that after drafting the summons, he returned to § 87(2)(b)'s vehicle. § 87(2)(b) was upset about receiving the summons but PO Elvezio did not recall what § 87(2)(b) was saying. PO Elvezio did not recall whether § 87(2)(b) requested his badge number at any point during this encounter. Moreover, PO Elvezio did not recall whether § 87(2)(b) said anything to him as he returned to his police vehicle. Once PO Elvezio returned to his patrol vehicle, he and PO Godio drove away.

PO Godio was interviewed at the CCRB on April 12, 2018 [BR 07]. He stated that when PO Elvezio returned to § 87(2)(b)'s vehicle, PO Elvezio explained why he pulled § 87(2)(b) over and issued him the summons. § 87(2)(b) appeared "distracted" and was clearly upset about being issued a summons. § 87(2)(b) yelled and cursed at the officers and continued yelling as PO Elvezio returned to the patrol vehicle. However, PO Godio did not hear § 87(2)(b) request PO Elvezio's badge number.

Video footage [embedded below] provided by § 87(2)(b) shows a marked patrol vehicle driving away from § 87(2)(b)'s vehicle. § 87(2)(b) is shown outside of his vehicle saying, "I'm stopping you" to the vehicle as it passes. It is unclear if the windows to the police vehicle are open. Once § 87(2)(b) re-enters his vehicle, he comments that [PO Elvezio] did not want to give him his badge number.



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§ 87(2)(g)

Allegation B – Abuse of Authority: At the 70th Precinct Stationhouse in Brooklyn, Sergeant John Filippi did not process § 87(2)(b)'s complaint regarding officers.

It is undisputed that § 87(2)(b) arrived at the 70th Precinct Stationhouse in Brooklyn and informed Sgt. Filippi that he wished to file a complaint against PO Elvezio and PO Godio. ■

§ 87(2)(g)

§ 87(2)(b) stated that after calling 311 to report the incident with PO Elvezio and PO Godio, he went to the 70th Precinct Stationhouse to file a complaint against the officers. After informing an officer standing outside of the stationhouse that he wished to file a complaint, an officer, identified by the investigation as Sgt. Filippi, approached him. § 87(2)(b) told Sgt. Filippi about the incident. Sgt. Filippi informed § 87(2)(b) that he could give him a copy of the CCRB flier so he could report the incident directly to them. § 87(2)(b) replied that there is a form the stationhouse is supposed to have for civilians that wish to file complaints against officers. § 87(2)(b) then requested that Sgt. Filippi provide him with the form. Sgt. Filippi responded that he did not know which form § 87(2)(b) was referring to and § 87(2)(b) again explained that the form is used for filing complaints against an officer. Sgt. Filippi looked through a bookcase and then told § 87(2)(b) that they did not have the form he was referring to. Sgt. Filippi again offered to make a copy of the CCRB flier, which was hanging on the wall. § 87(2)(b) agreed and Sgt. Filippi provided him with a photocopy of the flier. When § 87(2)(b)

called the number listed on the flier, it connected him to the same 311 system he contacted earlier. § 87(2)(b) did not have the copy of the flier with him at the time of his CCRB statement.

Sgt. Filippi was interviewed at the CCRB on May 16, 2018 [BR 08]. He stated that § 87(2)(b) was upset about his summonses and expressed that he wanted to file a complaint against the officers involved. Sgt. Filippi informed § 87(2)(b) of the ways § 87(2)(b) could file a complaint, including a call to 311 or by mailing a letter to the CCRB. He also showed § 87(2)(b) a flier that notes the ways to make a complaint, which is posted by the T/S Desk. § 87(2)(b) then stated that he wanted to file the complaint at the command. Sgt. Filippi provided § 87(2)(b) with a copy of the “CCRB fax sheet” for him to fill out. When asked what kind of information is obtained on the fax sheet, Sgt. Filippi responded that he had not really looked at the document and said that all he knew was that it was stored behind the desk, that the civilian must fill it out, and that the sergeant is to then call the CCRB and make a Command Log entry. Sgt. Filippi instructed § 87(2)(b) to fill out the form; however, § 87(2)(b) left without returning the completed form to Sgt. Filippi. Sgt. Filippi assumed that § 87(2)(b) was upset when he left the stationhouse; however, there was nothing specific about § 87(2)(b)’s behavior or comments as he exited the stationhouse that led Sgt. Filippi to believe he was still upset. Sgt. Filippi was not aware of § 87(2)(b) receiving a copy of the CCRB flier that is posted in the stationhouse. Sgt. Filippi believed he made a Command Log entry with § 87(2)(b)’s pedigree information and a description of the clothes he was wearing.

As per the 70th Precinct Roll Call [BR 10], PO Shane Ellers and PO Michael Mazzella were both assigned to Stationhouse Security. § 87(2)(g)

PO Ellers and PO Mazzella were both interviewed on May 16, 2018 [BRs 11 and 12, respectively]. PO Mazzella clarified that he was assigned to the Cell Attendant and PO Ellers confirmed that he was assigned to exterior Stationhouse Security. Neither officer recalled this incident.

The Command Log from the 70th Precinct [BR 09] shows that a “CCRB” entry was prepared at 8:50 p.m., noting that § 87(2)(b) wanted to make a complaint against [the] officer who issued him a summons. The entry further notes that § 87(2)(b) was given the statistical sheet but did not want to fill it out. § 87(2)(b) was informed of the four ways to make a complaint and stated he would do it online.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to two CCRB complaints and has been named as a victim in four allegations [BR 13].
 - § 87(2)(b)
- PO Elvezio has been a member of service for four years and this is the first CCRB complaint to which he has been a subject.

- Sgt. Filippi has been a member of service for seven years and has been a subject in five CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- On February 13, 2018, this case was sent to mediation and on March 27, 2018, the case was returned to investigation as the complaint was no longer eligible for mediation.
- As of May 25, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint [BR 14].
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: ___9___

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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